

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DON HARGROVE**, on February 9, 2001 at 10:00 A.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Don Hargrove, Chairman (R)
Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Pete Ekegren (R)
Sen. Jim Elliott (D)
Sen. Eve Franklin (D)
Sen. Ken Toole (D)

Members Excused: Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Lynette Brown, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 370, SB 356, SB 406, HB 97,
2/14/2001
Executive Action: HJ 7, SR 11

HEARING ON SB 370

Sponsor: SEN. MIKE HALLIGAN, SD 34, Missoula

Proponents: Mike O'Connor, Montana Public Employees Retirement Association
Justice Ed McLean, President Montana Judges Association

Opponents: None

Opening Statement by Sponsor:

SEN. MIKE HALLIGAN, SD 34, Missoula, said this bill would allow judges with at least five years of membership in the Judges Retirement System to retire at the age of 60, rather than 65, and receive proportionate retirement benefits. He told the committee this was important to provide a larger pool of judges, thus enabling the court system to speed up the judicial process. He distributed a letter from Karla Gray, Chief Justice, **EXHIBIT (sts33a01)** urging support for this bill.

Proponents' Testimony:

Mike O'Connor EXHIBIT (sts33a02) presented facts about the Judge's Retirement System.

Ed McLean, President of Montana Judges Association, told the committee that at the present time there was a backlog in cases which created problems in single-judge areas. He said if the judges could retire earlier, they could be available and be more flexible.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. ED BUTCHER asked **Mike O'Connor** if they would need to increase the amount of retirement since there were 47 judges drawing out of that fund with only 47 judges contributing. **Mike O'Connor** responded that this would increase the normal cost, but that would pay for the benefit.

SEN. BUTCHER told **Mike O'Connor** that this plan was disproportionate with the judges paying 7% and the state paying 27%. **SEN. BUTCHER** said perhaps the judges would need to contribute more to the fund. **Mike O'Connor** said you could increase the present contributions, but you could not go back to change contributions to pay for past services.

SEN. BUTCHER asked how many people would be affected by the change requested in this bill. **Mike O'Connor** replied there would be some people in the system that would not benefit.

SEN. DON HARGROVE asked **Mike O'Connor** where the 3% listed in the bill came from. **Mike O'Connor** told the committee that the retirement system would absorb it.

SEN. KEN TOOLE asked **Judge McLean** if moving the retirement age up for the judges was the only option to solve the problem of backlogged caseloads. **Judge McLean** answered that, yes, that was the only solution at present.

SEN. TOOLE asked **Judge McLean** what the active caseload was outside their district. **Judge McLean** responded it was around 25 - 30 cases outside his district and approximately 1,100 - 1,200 cases per year.

SEN. TOOLE asked **Judge McLean** what the average processing time was. **Judge McLean** answered the processing time was within two years for estate cases and two years or less for civil cases. **SEN. TOOLE** asked **Judge McLean** if this bill would lower the processing time. **Judge McLean** responded this bill would bring down the number of cases he would have to go out of his district for by almost a year.

SEN. BUTCHER asked **Judge McLean** if a provisol should be inserted saying that anyone who would accept this would then be obligated to serve as a retired traveling judge. **Judge McLean** answered that provisol was already addressed in another piece before the legislation at the present time. On this particular bill, that provision was deleted because that provision was not necessary to keep it fiscally sound.

SEN. JOHN BOHLINGER asked **SEN. HALLIGAN** to comment on the issues of shortening the period of time being a benefit to taxpayers. **SEN. HALLIGAN** answered that when judges had to leave their district, that delayed everyone's cases because the cases already in process would have to wait for the judge's return in a few weeks.

SEN. EVE FRANKLIN asked **Judge McLean** how many judges were interested in this retirement situation and becoming an on-call judge. **Judge McLean** told the committee that there were not great plans to rush to retire because of the provision of this bill, but it was his hope that two judges would then become available.

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SEN. BUTCHER asked **Judge McLean** if the judges if the judges could choose to be available or if they would be required to be available. **Judge McLean** answered that at present time, they would be required to serve the bench when asked.

SEN. BUTCHER asked **Judge McLean** if this would be an issue in five years. **Judge McLean** said this would not be an issue in five years.

SEN. PETE EKEGREN asked **Judge McLean** if the judges have to accept duty. **Judge McLean** answered that, yes, unless they have physical or mental reasons.

Closing by Sponsor: **SEN. MIKE HALLIGAN, SD 34**, closed SB 370, by telling the committee this bill would provide a method of getting experienced judges.

HEARING ON SB 356

Sponsor: **SEN. DON HARGROVE, SD 16, Belgrade**

Proponents: Lee Buerlocher, Department of Revenue

Opponents: None

Opening Statement by Sponsor:

SEN. DON HARGROVE, SD 16, Belgrade, said this bill would be effective in getting all licenses in one spot. This bill clarified that it adds a board of review which had already been in place.

Proponents' Testimony:

Lee Buerlocher, Department of Revenue, **EXHIBIT (sts33a03)** and **EXHIBIT (sts33a04)** explained the board of review and how the rules would be administered by the Department of Revenue.

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: **SEN. DON HARGROVE** closed SB 356 by telling the committee that this bill was continuing a current practice.

HEARING ON SB 406

Sponsor: **SEN. MIKE TAYLOR, SD 37, Proctor**

Proponents: None

Opponents: None

Opening Statement by Sponsor:

SEN. MIKE TAYLOR, SD 37, Proctor, presented amendment SB040601.agp **EXHIBIT(sts33a05)** said this bill was a policy based on whether people should be elected by the majority of the vote. He added that the amendments took the local and primary elections out.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

Elain Graveley, Deputy Secretary of State, EXHIBIT(sts33a06) said SB 406 could drastically change the way elections are run in Montana.

Questions from Committee Members and Responses:

SEN. ELLIOTT asked **SEN. TAYLOR** if this bill changed the winner to the candidate receiving the majority of the votes instead of the plurality of the votes. **SEN. TAYLOR** answered that was correct.

SEN. ELLIOTT asked **SEN. TAYLOR** if that would mean we would need to have run-off elections. **SEN. TAYLOR** responded that was correct.

Closing by Sponsor: **SEN. MIKE TAYLOR, SD 37, Proctor**, closed SB 406 by saying this was a monumental policy decision.

HEARING ON HB 97

Sponsor: **REP. DAVE LEWIS, HD 55, Helena**

Proponents: **David Senn, Director Teacher's Retirement System**
Tom Bilodeau, MEA-MFT

Opponents: None

Opening Statement by Sponsor:

REP. DAVE LEWIS, HD 55, Helena, told the committee this bill would update the teacher's retirement statutes to solve some problems, having no fiscal impact. This bill would also solve the problem of multiple board member terms expiring at the same time by staggering the expiration dates.

Proponents' Testimony:

David Senn, Executive Director Teacher's Retirement System, explained the Teachers' Retirement System **EXHIBIT (sts33a07)**.

Tom Bilodeau, MEA-MFT, commented on Section 5 where it determined the enrollment of part-time instructional aides. This legislation would clarify part-time aides and would provide explicit notice to those part-time individuals.

Opponents' Testimony: None**Questions from Committee Members and Responses:**

SEN. TOOLE asked **Dave Senn** if the Superintendent of Public Instruction would be required to be a member. **Dave Senn** replied that this legislation would not change anything in regards to the Superintendent of Public Instruction or staff.

SEN. TOOLE asked **Dave Senn** if the people included in this legislation would have optional membership. **Dave Senn** answered that, no, the membership was not optional.

SEN. TOOLE asked **Dave Senn** in terms of recruiting staff for the office, if the person had previously been a full-time teacher receiving retirement from that system, upon entering full-time employment in the office, could they continue to receive the retirement benefits from their teacher's retirement system. **Dave Senn** answered that, yes, they could receive full teacher's retirement benefits; however, if they had been a reading specialist, for example, that would be considered an instructional services position and, therefore, they could not receive the full pension and work in a full-time position.

SEN. TOOLE asked **Dave Senn** if the status quo was the way it had always been. **Dave Senn** replied that was the way it had always been written, however, that was not always the way it had been administered.

SEN. TOOLE asked **Dave Senn** if past superintendents had been members of PERS. **Dave Senn** replied that the superintendents had always been members of PERS.

SEN. TOOLE asked **Dave Senn** why this that language was put in this bill. **Dave Senn** answered that the language had always been in there; they were just putting it into a section of its own for clarification purposes.

Closing by Sponsor: REP. DAVE LEWIS, HD 55, closed on HB 97.

EXECUTIVE ACTION ON HJ 7

Motion/Vote: SEN. BUTCHER moved that HJ 7 BE CONCURRED IN. Motion carried unanimously.

EXECUTIVE ACTION ON SR 11

Motion/Vote: SEN. ELLIOTT moved that SR 11 BE ADOPTED. Motion carried unanimously.

ADJOURNMENT

Adjournment: 11:35 A.M.

SEN. DON HARGROVE, Chairman

LYNETTE BROWN, Secretary

DH/LB

EXHIBIT (sts33aad)